

EXHIBIT B

USA's Responses to Requests for Production

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12 and Anita Serrano*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 Michele Leuthauser, individually,

16 Plaintiff,

17 v.

18 United States of America; and Unknown
19 Transportation Security Administration
Officer,

20 Defendants.

21 Case No. 2:20-cv-00479-JCM-VCF

22 **United States of America's Responses
23 to Plaintiff's First Requests for
24 Production of Documents**

25 Pursuant to Fed. R. Civ. P. 34, the United States of America provides its responses
26 and objections to Plaintiff's First Set of Requests for Production of Documents as follows:

27 **Preliminary Statement**

28 The information supplied in these Answers is the information currently available
through due diligence, unless privileged, and Defendant therefore reserves the right to
reasonably supplement or modify these responses should additional information become
available.

29 **Definitions**

30 A. "Nondiscoverable/Irrelevant" - The request in question concerns a matter that is
31 not relevant to the subject matter at issue in this litigation.

1 B. "Unduly burdensome" - The request in question seeks discovery that is unduly
2 burdensome or expensive, taking into account the needs of the case, limitations on the
3 parties' resources, and the importance of the issues at stake in the litigation.

4 C. "Vague" - The request in question contains a word or phrase that is not
5 adequately defined, or the overall request is confusing, and Defendant is unable to
6 reasonably ascertain what information Plaintiff seeks in the request.

7 D. "Overly broad" - The request seeks information or documents beyond the scope
8 of, or beyond the time period relevant to, the subject matter at issue in this litigation and,
9 accordingly, seeks information that is nondiscoverable/irrelevant and/or is unduly
10 burdensome.

11 E. "Disproportional" - The request in question seeks discovery that is not
12 proportional to the needs of the case, considering the importance of the issues at stake, the
13 amount in controversy, the parties' resources and access to the information, the importance
14 of the discovery in resolving issues, and whether the burden or expense of the discovery
15 outweighs its likely benefit.

16 **Requests for Production of Documents**

17 **Request No. 1:** Plaintiff requests that You produce any writing created between
18 June 1st, 2019 and December 31st, 2019, by any current or former TSA or DHS employee,
19 that in any way mentions or discusses Plaintiff Michele Leuthauser or the incident which
20 formed the basis of the complaint in this action. This must include (but is not limited to) any
21 electronic writings, including e-mails, photos, video, audio recordings, handwritten notes,
22 incident reports, and memoranda. Please produce electronic records in their native format
23 to the extent possible and include any metadata. Items that have already been produced to
24 Plaintiff may simply be listed and need not be produced again.

25 **Answer:** Defendant objects to the extent that this request seeks information
26 protected by the attorney-client privilege, the attorney work product doctrine, or Sensitive
27 Security Information. Defendant also objects to this request as overly broad, in that it seeks
28 writings by DHS employees from outside of TSA. The request is also overly broad and

1 compound as to “any writing,” “any electronic writings, including e-mails, photos, video,
2 audio recordings, handwritten notes, incident reports, and memoranda” and “electronic
3 records in their native format” and “metadata.” Subject to these objections, and based upon
4 the reasonably available information, please see the documents produced herewith:
5 US000001-67 and Defendants’ Privilege Log identifying documents bates numbered
6 US000068PRIV-US000379PRIV.

Request No. 2: Plaintiff requests the production of any other document or tangible item that You plan to use during future proceedings in this matter.

9 **Answer:** Defendant objects to this request to the extent it calls for the production of
10 documents which may be utilized for impeachment which need not be produced. Subject to
11 this objection, please see the documents produced in Defendants' Rule 26 disclosures,
12 Plaintiff's disclosures and any supplements thereto. Discovery is ongoing and this response
13 will be supplemented in its discovery disclosures if new information is obtained.

Dated this 12th day of January 2021.

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Brianna Smith
BRIANNA SMITH
Assistant United States Attorney

Certificate of Service

I, Angel Villalpando, Legal Assistant, certify that the following individual was served with the United States' Responses to Plaintiff's First Set of Requests for Production of Documents on this date by the below identified method of service:

U.S. Mail & Electronic Mail

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Attorney for Plaintiff

Dated this 12th day of January 2021.

/s/ Angel Villalpando
Angel Villalpando, Legal Assistant